

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALTON D. BROWN,)
)
)
Plaintiff,)
)
vs.) **Civil No. 16-cv-1680**
)
)
WEXFORD HEALTH SOURCES, *et al.*,)
)
)
Defendants.)

MEMORANDUM ORDER

Before the Court are Alton D. Brown's Appeals from two of the Magistrate Judge's Orders entered on August 15, 2022. ECF Nos. 406 & 407. The first Appeal, filed at Docket number 406, challenges the Magistrate Judge's case management decision to administratively close the case pending the filing of Mr. Brown's Omnibus Response to Defendants' Motions for Summary Judgment. ECF No. 403. Mr. Brown challenges the Magistrate Judge's administrative closure contending that it prevents him from filing any pleading, other than his Omnibus Response. An administrative closure is purely a Court mechanism that, in this instance, pauses the proceedings until a specified action occurs. See Penn West Assocs., Inc. v. Cohen, 371 F.3d 118, 127 (3d Cir. 2004). The Magistrate Judge has not made any other ruling with respect to Mr. Brown's ability to obtain any other relief permitted under the law during the administrative closure time.¹ The Court finds that the Magistrate Judge's Order is not clearly erroneous, contrary to law, or an abuse of discretion. Accordingly, the Appeal filed at Docket number 406 will be denied.

¹ Because an administration closure "has no legal significance beyond removing the case from [the Court's] active docket," it does not prejudice the substantive rights of the parties. Massey v. Pfeifer, No. 1:17-cv-173, 2017 WL 6729366, at *1 (W.D. Pa. Oct. 27, 2017).

The second Appeal, filed at Docket number 407, challenges the Magistrate Judge's Amended Order Scheduling Responses to Motions For Summary Judgments. ECF No. 402. Relevant to the instant Appeal, the Magistrate Judge ordered that Mr. Brown's Omnibus Response to four separate Defense Briefs in support of a Motion for Summary Judgment is limited to forty pages. Id. Mr. Brown argues that the forty-page limitation is too short to provide a proper substantive response to the four Defendants' Summary Judgment pleadings, which together comprise more than ninety pages. However, the forty-page limitation is in fact an allowance of an additional twenty pages over Magistrate Judge Eddy's standard twenty-page limitation allowed for both dispositive and responsive briefs. J. Eddy's Pract. & Proc. ¶ B.1. In addition, although there are four defense briefs for Mr. Brown to respond to, the claims in this case all rest on a common set of facts.

Next, Mr. Brown expresses a concern that he will be unable to properly respond to Defendants' statements of undisputed facts because such pleadings are over forty pages by themselves. As the Magistrate Judge explained in her Scheduling Order, the Court's Local Rules require that parties submit a *separately filed* concise statement of facts that responds to each numbered paragraph of the Defendants' statements of fact. ECF No. 374, at 2-3. Mr. Brown's separately filed responsive concise statement is therefore not subject to the forty-page limitation imposed on his Omnibus Response. Finally, Mr. Brown points to the Defendants having filed "hundreds of documents in support of their motions for summary judgment." ECF No. 407. Supporting documents filed by Mr. Brown also will not count against the forty-page limitation on his brief. The Court finds that the Magistrate Judge's Order is not clearly erroneous, contrary to law, or an abuse of discretion. Accordingly, the Appeal filed at Docket number 407 will be denied.

AND NOW, this 13th day of September, 2022, it is hereby ORDERED as follows:

1. Mr. Brown's "Appeal to U.S. District Judge From Magistrate's Order of 8/15/2022" (ECF No. 406) is denied.
2. Mr. Brown's "Appeal to U.S. District Judge From Magistrate's Order of 8/15/2022" (ECF No. 407) is denied.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

cc: Alton D. Brown, pro se
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